

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

IN RE: ETHICON, INC., PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION	Master File No. 2:12-MD-02327 MDL 2327 JOSEPH R. GOODWIN U.S. DISTRICT JUDGE
THIS DOCUMENT RELATES TO: WAVE 3 CASES LISTED IN EXHIBIT A, ATTACHED	

**MOTION TO EXCLUDE GENERAL-CAUSATION TESTIMONY OF
KONSTANTIN WALMSLEY, M.D.**

Defendants Ethicon, Inc., Johnson & Johnson, and, if applicable, Ethicon LLC (Ethicon) move to exclude Dr. Walmsley's general-causation opinions because they fail to satisfy the standard set forth in *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579 (1993), and as expressed by this Court in prior rulings. Ethicon incorporates the Memorandum in Support of Motion to Exclude Testimony of Konstantin Walmsley, M.D., and also the following exhibits:

1. The list of Wave 3 cases to which this motion applies, identified by case style and number, attached as Exhibit A;
2. Rule 26 Report of Konstantin Walmsley, M.D. in *Baker v. Ethicon, Inc.*, attached as Exhibit B;
3. Rule 26 Report of Konstantin Walmsley, M.D. in *Berry v. Ethicon, Inc.*, attached as Exhibit C;
4. Rule 26 Report of Konstantin Walmsley, M.D. in *Booher v. Ethicon, Inc.*, attached as Exhibit D;

5. Rule 26 Report of Konstantin Walmsley, M.D. in *Ludwig v. Ethicon, Inc.*, attached as Exhibit E;
6. Rule 26 Report of Konstantin Walmsley, M.D. in *Mattingly v. Ethicon, Inc.*, attached as Exhibit F;
7. Rule 26 Report of Konstantin Walmsley, M.D. in *Phillips v. Ethicon, Inc.*, attached as Exhibit G;
8. Rule 26 Report of Konstantin Walmsley, M.D. in *Ward v. Ethicon, Inc.*, attached as Exhibit H;
9. *In re Ethicon Inc. Pelvic Repair Sys. Prods. Liab. Litig.*, 8/25/16 Memorandum Opinion and Order, attached as Exhibit I;
10. The deposition of Konstantin Walmsley, M.D., taken on August 11, 2016 in *Baker v. Ethicon, Inc.*, attached as Exhibit J;
11. The deposition of Konstantin Walmsley, M.D., taken on August 11, 2016 in *Ward v. Ethicon, Inc.*, attached as Exhibit K; and
12. The deposition of Konstantin Walmsley, M.D., taken on August 17, 2016 in *Phillips v. Ethicon, Inc.*, attached as Exhibit L.

WHEREFORE, FOR THESE REASONS and as more fully set forth in Ethicon's supporting memorandum of law, Ethicon respectfully requests that this Court enter an order granting Ethicon's Motion to Exclude the General-Causation Testimony of Konstantin Walmsley, M.D.

Respectfully submitted,

ETHICON, INC., JOHNSON & JOHNSON,
AND ETHICON LLC

/s/ Rita A. Maimbourg

Rita A. Maimbourg
TUCKER ELLIS LLP
950 Main Avenue, Suite 1100
Cleveland, OH 44113-7213
Telephone: 216.592.5000
Facsimile: 216.592.5002
rita.maimbourg@tuckerellis.com

/s/ David B. Thomas

David B. Thomas (W.Va. Bar #3731)
THOMAS COMBS & SPANN PLLC
300 Summers St.
Suite 1380 (25301)
P.O. Box 3824
Charleston, WV 25338
Telephone: 304.414.1807
dthomas@tcspllc.com

/s/ Christy D. Jones

Christy D. Jones
BUTLER SNOW LLP
1020 Highland Colony Parkway
Suite 1400 (39157)
P.O. Box 6010
Ridgeland, MS 39158-6010
Telephone: 601.985.4523
christy.jones@butlersnow.com

CERTIFICATE OF SERVICE

I certify that on September 19, 2016, I electronically filed this document with the clerk of the court using the CM/ECF system, which will send notification of this filing to CM/ECF participants registered to receive service in this MDL.

/s/ Rita A. Maimbourg

Rita A. Maimbourg

TUCKER ELLIS LLP

950 Main Avenue, Suite 1100

Cleveland, OH 44113-7213

Telephone: 216.592.5000

Facsimile: 216.592.5002

rita.maimbourg@tuckerellis.com